

# ILLINOIS POLLUTION CONTROL BOARD

## MEETING MINUTES

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November 2, 2006  
Chicago/Springfield Videoconference  
CHICAGO OFFICE – 100 W. Randolph Street  
Videoconference Room 11-512  
And  
SPRINGFIELD OFFICE – 1021 N. Grand Avenue East  
Oliver Holmes Conference Room 2012 N – Second Floor  
11:00 A.M.

### ANNOUNCEMENTS

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Chairman Girard welcomed members of the public and staff.

### ROLL CALL

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The Clerk of the Board called the roll. All Board Members answered present.

### APPROVAL OF MINUTES

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Minutes of the October 19, 2006 meeting were approved by a vote of 4-0.

### RULEMAKINGS

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<b>R06-11</b>	<u>In the Matter of: Proposal of Vaughan &amp; Bushnell Manufacturing Company of Amendment to a Site-Specific Rule 35 Ill. Adm. Code 901.121</u> – The Board adopted a second notice opinion and order in this rulemaking to amend an existing site-specific noise rule, as requested.	4-0 R, Noise
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**R06-25**      In the Matter of: Proposed New 35 Ill. Adm. Code 225 Control of Emissions From Large Combustion Sources (Mercury) – The Board adopted a second notice opinion and order in this rulemaking to amend the Board’s air pollution control regulations. The second notice rule requires compliance beginning July 1, 2009 with a mercury emission standard of 0.008011b/gwh or a 90% reduction from input mercury. The rule also includes a temporary technology based standard (TTBS), and a multi-pollutant control system (MPS).      4-0  
R, Air

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**R06-26**      In the Matter of: Proposed New Clean Air Interstate Rule (CAIR) SO<sub>2</sub>, NO<sub>x</sub> Annual and NO<sub>x</sub> Ozone Season Trading Programs, 35 Ill. Adm. Code 225, Subparts A, C, D and E – No action taken.      R, Air

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**R07-9**      In the Matter of: Triennial Review of Sulfate and Total Dissolved Solids Water Quality Standards: Proposed Amendments to 35 Ill. Adm. Code 302.102(b)(6), 302.102(b)(8), 302.102(b)(10), 302.208(g), 309.103(c)(3), 405.109(b)(2)(4)(A), 409.109(b)(2)(B), 406.100(d): Repealer of 35 Ill. Adm. Code 406.203 and Part 407; and Proposed New 35 Ill. Adm. Code 302.208(h) – No action taken.      Girard  
R, Water

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## **ADJUSTED STANDARDS**

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None

## **ADMINISTRATIVE CITATIONS**

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**AC 06-21**      County of Jackson v. Dan Kimmel – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Jackson County facility, the Board found that respondent had violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2004)) and ordered respondent to pay a civil penalty of \$1,500. The Board also granted the parties’ joint motion to dismiss respondent’s petition for review and the alleged violation of 415 ILCS 5/21(p) (7) (2004).      4-0

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<b>AC 06-55</b>	<u>County of Wayne v. Julian Buchanan</u> – The Board granted the parties’ joint motion for withdrawal of administrative citation and closed the docket.	4-0
<b>AC 07-12</b>	<u>IEPA v. Francis E. Morris</u> – The Board denied respondent’s motion to dismiss the administrative citation and accepted for hearing this petition for review of an administrative citation against this Gallatin County respondent.	4-0
<b>AC 07-13</b>	<u>Chicago Department of Environment v. Mr. Bult’s (Liberty Waste Transfer Station)</u> – The Board dismissed this administrative citation due to complainant’s failure to file proof of timely service.	4-0
<b>AC 07-14</b>	<u>County of LaSalle v. Eric and Sarah Cook</u> – Because the Board has already properly entered a default order, the Board declined to accept the late-filed petition and directed respondents to pay the \$3,000 civil penalty by November 20, 2006 as directed in the Board’s October 19, 2006 order.	4-0
<b>AC 07-17</b>	<u>IEPA v. Lee County Landfill SC, L.L.C. and Dave Geier</u> – The Board found that these Lee County respondents violated Section 21(o)(5) of the Act (415 ILCS 5/21(o)(5) (2004)), and ordered respondents to pay a civil penalty of \$500.	4-0
<b>AC 07-22</b>	<u>County of Sangamon v. Jack Caldwell</u> – The Board accepted an administrative citation against this Sangamon County respondent.	
<b>AC 07-23</b>	<u>IEPA v. Curtis Jim Hammond</u> - The Board accepted an administrative citation against this Fulton County respondent.	
<b>AC 07-24</b>	<u>IEPA v. C. John Blickhan</u> - The Board accepted an administrative citation against this Adams County respondent.	

## ADJUDICATORY CASES

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### Decisions

<b>PCB 06-3</b>	<u>People of the State of Illinois v. Lake Egypt Water and Wastewater District</u> – In this public water supply enforcement action concerning a Williamson County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2004)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$6,400, and to cease and desist from further violations.	4-0 W-E
<b>PCB 06-35</b>	<u>People of the State of Illinois v. Quantum Color Graphics, L.L.C.</u> – In this air enforcement action concerning a Cook County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2004)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$44,000, and to cease and desist from further violations.	4-0 A-E
<b>PCB 06-178</b>	<u>People of the State of Illinois v. Galena Hillside Homes, Inc.</u> – In this water enforcement action concerning a Jo Daviess County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2004)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$10,000, and to cease and desist from further violations.	4-0 W-E

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Motions and Other Matters

<b>PCB 96-98</b>	<u>People of the State of Illinois v. Skokie Valley Asphalt, Co., Inc., Edwin L. Frederick, Jr., individually and as owner and President of Skokie Valley Asphalt Co., Inc., and Richard J. Frederick, individually and as owner and Vice President of Skokie Valley Asphalt Co., Inc.</u> - The Board denied respondents' motion for sanctions and ordered the parties to proceed expeditiously to hearing.	4-0 W-E
<b>PCB 04-31</b> <b>PCB 05-43</b> <b>(cons.)</b>	<u>Broadus Oil v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 05-49</b>	<u>Morton F. Dorothy v. Flex-N-Gate Corporation</u> – The Board granted respondent's motion to sanction complainant. Respondent's alternative motion for summary judgment on count I was denied at this time. In accordance with today's sanctions and for its procedural deficiencies, the Board struck complainant's September 19, 2006 amended complaint.	4-0 Citizens A&L-E
<b>PCB 06-40</b>	<u>Dalee Oil Company v. EPA</u> – The Board granted this Washington County facility's motion for voluntary dismissal of this underground storage tank appeal.	4-0 UST Appeal
<b>PCB 06-52</b>	<u>Knapp Oil Company, Don's 66 v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 06-53</b>	<u>C&amp;F Packing Company, Inc. v. IEPA and Lake County</u> – No action taken.	W-V
<b>PCB 06-184</b>	<u>Peoria Disposal Company v. Peoria County Board</u> – No action taken.	P-C-F-S-R

<b>PCB 07-5</b>	<u>City of Des Plaines (formerly A&amp;K Mini Mart) v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this facility in Cook County.	4-0 UST Appeal
<b>PCB 07-12</b>	<u>Fedex Ground Package System, Inc. v. IEPA</u> – No action taken.	UST Appeal
<b>PCB 07-17</b>	<u>Dale L. Stanhibel v. Tom Halat d/b/a Tom’s Vegetable Market</u> – The Board directed complainant file proof of service of the complaint upon respondent by Monday, November 27, 2006. If complainant fails to file proof of service on or before that date, the Board may dismiss this proceeding.	4-0 Citizens A&N – E
<b>PCB 07-21</b>	<u>Maple Quick Mart and Ranjit Singh v. IEPA</u> – No action taken.	UST Appeal 90-Day Ext.
<b>PCB 07-24</b>	<u>Webb &amp; Sons, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Coles County facility.	4-0 UST Appeal
<b>PCB 07-26</b>	<u>People of the State of Illinois v. Palos Township</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a Cook County facility, the Board ordered publication of the required newspaper notice.	4-0 W-E
<b>PCB 07-27</b>	<u>Village of Wilmette v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.	4-0 UST Appeal

<b>PCB 07-28</b>	<u>People of the State of Illinois v. Provena Hospitals d/b/a Provena United Samaritans Medical Center and Resurrection Catholic Cemetery Association of Danville, Illinois</u> – The Board accepted for hearing this land enforcement action involving a site located in Vermilion County.	4-0 L-E
<b>PCB 07-29</b>	<u>People of the State of Illinois v. Pinnacle Genetics, L.L.C. and Professional Swine Management, L.L.C.</u> – The Board accepted for hearing this water enforcement action involving a site located in McDonough County.	4-0 W-E
<b>PCB 07-30</b>	<u>The Premcor Refining Group, Inc. v. IEPA</u> – No action taken.	P-A, Air
<b>PCB 07-31</b>	<u>Celozzi-Ettelson Chevrolet, Inc. v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this DuPage County facility.	4-0 UST Appeal 90-Day Ext.

## CASES PENDING DECISION

<b>R06-16</b>	<u>In the Matter of: UIC Update, USEPA Amendments (July 1, 2005 through December 31, 2005; In the Matter of: RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Amendments (July 1, 2005 through December 31, 2005); In the Matter of: RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2005 through December 31, 2005)</u> – Adopted Rule, Final Order, Opinion and Order	R, Land
<b>R06-17</b>		
<b>R06-18</b> (cons.)		
<b>R07-2</b>	<u>In the Matter of: SDWA Update, USEPA Amendments (January 1, 2006 through June 30, 2006)</u> – Proposal for Public Comment, Opinion and Order	Johnson R, Water

<b>AS 06-4</b>	<u>In the Matter of: Petition of Big River Zinc Corporation for an Adjusted Standard Under 35 Ill. Adm. Code 720.131(c) – Opinion and Order</u>	Melas Land
<b>AC 05-40</b>	<u>IEPA v. Northern Illinois Service Company – Final Opinion and Order</u>	Melas
<b>AC 05-70</b>	<u>IEPA v. James Stutsman – Final Opinion and Order</u>	Moore

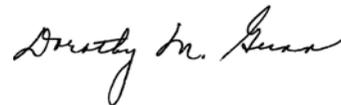
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**ADJOURNMENT**

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Moved and seconded, by a vote of 4-0, Chairman Girard adjourned the meeting at 11:40 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board approved the above minutes on November 16, 2006, by a vote of 4-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board